

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MIKE RANDALL,  
Defendant.

Case No. 04-cr-40044-CW-8 (VKD)

## **ORDER OF DETENTION PENDING REVOCATION HEARING**

In accordance with the Bail Reform Act, 18 U.S.C. §§ 3142, 3143(a), and Federal Rule of Criminal Procedure 32.1, the United States moves for detention of defendant Mike Randall, pending a hearing before the district judge regarding revocation of his supervised release. The Probation Office also recommends detention. The Court held a detention hearing by videoconference, with Mr. Randall's consent, on November 5, 2020. Mr. Randall was represented by counsel during the hearing.

Having considered the factors set forth in 18 U.S.C. § 3142(g), the matters in the petition, and the proffers of counsel for Mr. Randall and for the United States, the Court concludes that Mr. Randall has not met his burden to show by clear and convincing evidence that he is not a danger to others and the community. Fed. R. Crim. P. 32.1(a)(6). According to the allegations in the petition, a loaded firearm with a high capacity magazine was found in Mr. Randall's vehicle during a recent traffic stop. State charges are pending against Mr. Randall for that conduct, and the Court is informed that, if the charges are proved, the offenses constitute not only a violation of state law, but also the conditions of Mr. Randall's state parole and federal supervised release.

Mr. Randall advises that he has recently obtained employment and that he has taken steps

1 to successfully re-enter the community and the workforce after his incarceration through his  
2 participation in a Rubicon Program. He also advises that he has a stable place to live if he were  
3 released from custody.

4 Probation Officer Primeau confirmed Mr. Randall's representations regarding his  
5 employment, participation in the Rubicon Programs, and residence, and indicated that he had been  
6 doing reasonably well during the first three months of his supervised. However, the Probation  
7 Officer emphasized that Mr. Randall has a substantial criminal history of firearms-related offenses  
8 and convictions. The Probation Officer expressed concern that within a short time of being  
9 released from custody, Mr. Randall has already been found with a loaded firearm in his  
10 possession.

11 The Court finds that Mr. Randall poses a danger to others and the community. The Court  
12 commends Mr. Randall for his successful efforts to obtain employment. However, the evidence  
13 proffered in the petition and by the Probation Office concerning Mr. Randall's possession of a  
14 loaded firearm with a high capacity magazine soon after his commencement of supervised release  
15 and while also on state parole is concerning, as it reflects that Mr. Randall will not comply with  
16 conditions the Court might set to ensure the safety of others and the community. Mr. Randall has  
17 not shown otherwise by clear and convincing evidence. Accordingly, the Court orders Mr.  
18 Randall detained pending a revocation hearing to be conducted pursuant to Federal Rule of  
19 Criminal Procedure 32.1(b)(2).

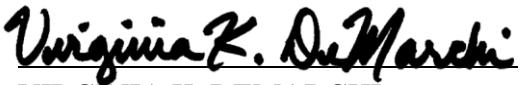
20 Mr. Randall is committed to the custody of the Attorney General or his designated  
21 representative for confinement in a corrections facility separate, to the extent practicable, from  
22 persons awaiting or serving sentences or being held in custody pending appeal. Mr. Randall shall  
23 be afforded a reasonable opportunity for private consultation with defense counsel. On order of a  
24 court of the United States or on the request of an attorney for the United States, the person in  
25 charge of the corrections facility shall deliver Mr. Randall to the United States Marshal for the  
26 purpose of an appearance in connection with a court proceeding.

27       ///

28       ///

1 **IT IS SO ORDERED.**

2 Dated: November 5, 2020

3   
4

5 VIRGINIA K. DEMARCHI  
6 United States Magistrate Judge